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## UNITED STATES MARINE CORPS

MARINE CORPS BASE CAMP LEJEUNE, NORTH CAROLINA 28542-5001

> BO 12570.1A CPD 1 7 JUL 1990

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From: To:

Commanding General

Distribution List

- (TIME & DATE)

Subj: TRAVEL ORDERS FOR CIVIL SERVICE PERSONNEL

Ref:

(a) DoD Joint Travel Regulations (JTR) - Volume 2 (NOTAL)

(b) BO 12410.3I

(c) BO P7000.1J

(d) BO 12610.1J

(e) BO 7420.2E

Encl: (1) Sample and Preparation Instructions DD Form 1610 for Permissive Orders

- 1. Purpose. To promulgate instructions concerning issuance of travel orders to civil service personnel.
- 2. <u>Cancellation</u>. BO 12570.1.
- 3. Background. DoD Directive No. 5154.20 made the provisions for reference (a) to be the basis of travel for appropriated fund civil service employees. Reference (a) authorizes the Commanding General to issue travel orders to civil service personnel and contains regulations governing payment of certain travel and transportation expenses. Reference (b) contains information on the Civilian Personnel Employee Development and Training Program.
- 4. Policy. It is the policy of this command that travel and transportation at government expense will be directed only when officially justified and by those means which meet mission requirements at the lowest possible cost consistent with good management practices. Rates of reimbursement will be as prescribed by reference (a). Official travel for employees included in the bargaining unit for which the American Federation of Government Employees (AFGE) has exclusive recognition, must be in compliance with provisions of the Master Labor Agreement between the U.S. Marine Corps and the AFGE. Persons directed to travel on official business will exercise the same care in incurring expenses and accomplishing a mission that a prudent person would exercise if traveling on personal business. The employee will be responsible for excess costs and any added expenses incurred for personal preference or personal convenience.
- 5. <u>Authorization of Travel</u>. Travel and transportation for civilian employees may be approved when necessary in connection with official activities of the DoD or government business.
- 6. Modes of Transportation. Transportation by various means may be authorized. However, travel of an employee will be by the most expeditious means of transportation practicable and will be commensurate with the nature and purpose of the duties involved. Since travel by common carrier will generally be the least costly and most expeditious method of travel, this method shall be used whenever reasonably available. If it is determined that common carrier transportation is not advantageous to the Government and that an automobile is required for official travel, a government-furnished automobile shall be used whenever it is reasonably available. Privately owned or special conveyances may

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be used only when a government-furnished vehicle is unobtainable or its use would seriously interfere with the performance of official business. Use of rental car will not be authorized unless determined to be essential for transportation.

- a.  $\underline{\text{Travel by Common Carrier}}$ . The policy of the Government is that less-than-first-class accommodations shall be used for all modes of passenger transportation.
- b. <u>Travel by Government Vehicle</u>. When a government-owned or leased vehicle is used for official travel, its use shall be limited to official purposes which include transportation to places required for the sustenance, comfort, or health of the employee in order to foster the continued efficient performance of government business.
- c. Travel by Rented or Leased Vehicle. When a commercially rented or leased vehicle is used by an employee for official travel, the same limitations on its proper use apply. Reimbursement for the cost of purchasing extra collision insurance when official travel in the rental vehicle is performed wholly within the continental United States, Alaska, Hawaii, Puerto Rico, and territories and possessions of the United States is prohibited. When extra collision insurance was not purchased, an employee may be reimbursed up to the deductible amount as contained in the rental contract for personal funds paid to rental car agencies for damage sustained by a vehicle properly rented and damaged in the performance of official business. Direct payments of such deductible amount may also be made by the Government to the car rental agencies instead of the employee. Claims for reimbursement or payments made directly to car rental agencies for the cost of damage to rental automobiles will be supported by, at a minimum, statements and itemized bills from the employee and the car rental agency, and the accident report. Reimbursement for personal funds paid for damage sustained by a rented vehicle while being used for other than official business is not authorized.
- d. Travel by Privately Owned Conveyance. The use of privately owned conveyance for Temporary Duty travel may be authorized or approved for employees rendering service to the Government when engaged on official business. by privately owned conveyance by owner or as a passenger may not be directed, but the use of such mode may be permitted when it is requested by the employee or encouraged when it is advantageous to the Government. When an employee uses a privately owned conveyance as a matter of personal preference while traveling on official business the total payment may not exceed the total constructive cost of the mode of common carrier that would have been provided. When actual costs by privately owned vehicle are less than the constructive costs, reimbursement will be in the amount of the actual costs. The reimbursement for use of a privately owned conveyance in lieu of a government-furnished automobile is based on the cost that would have been incurred by the activity had a government-furnished vehicle been used. Claims for loss or damage to POV used for performance of official duties will ordinarily not be paid. Chapter XXI of the JAG Manual refers.
- 7. Government Travel Charge Cards. The Government offers government contractor-issued travel charge cards to all non-bargaining unit DoD civilian employees GS-9 and above and WS/WG equivalents who are expected to travel on official temporary duty at least twice a year (DEPSECDEF memo dated 30 Sep 88). Charge cards may be made available to responsible personnel in grades GS-8 and below who are required to travel frequently. DoD personnel who travel on official business may decline or accept the card. However, advances in such cases shall be reduced to levels indicated for cardholders. Likewise, advances shall be reduced for travelers who have cards suspended or revoked because of delinquency.
- 8. Advance of Funds. As a general policy, employees traveling on official business are responsible for meeting their current travel expenses. However, employees should not have to pay official travel expenses entirely from personal

funds unless the employee has elected not to use alternative resources made available by the government, such as contractor-issued charge cards. To alleviate the need for employees to use personal funds the activity may issue travel advances for certain expenses.

- a. <u>Limitation on Amount of Advances</u>. The advancement of travel funds shall be limited to those estimated expenses that a traveler is expected to incur in connection with authorized travel which would normally be paid using cash. Cash transaction expenses are those travel expenses which, as a general rule, cannot be charged: such as meals and incidental expenses, local transit system fares, taxi, parking and other miscellaneous fees, gasoline and other variable expenses covered in mileage allowance, and such related miscellaneous expenses. Allowable amounts for meals and incidental expenses, and allowed exceptions, will be that stated in applicable regulations.
- b. <u>Actual Expense Allowance (AEA) Authorizations</u>. Requests for AEA may be approved (preferably in advance) by the heads of commands/activities or their designee if the allowable per diem rate for a particular travel assignment is insufficient in that the necessary expenses exceed the maximum per diem allowed by \$5 per day. Reference (a) outlines the criteria and proper format for submitting AEA requests.
- c. Requesting an Advance of Funds. In general, an employee, upon request to the serving disbursing office, will be granted an advance of funds. The amount of advance granted will be computed by the appropriate disbursing/finance accounting office. Normally, only one travel advance will be authorized under the travel order with the exception of the requirement for advance tuition or registration fees which must be paid prior to the commencement of the travel. A travel advance estimated to be less than \$50 will not be advanced unless a severe hardship exception has been approved. Travel advances for Temporary Additional Duty (TAD) may be paid no sooner than three working days prior to the commencement of the TAD period. Prepayment of tuition/registration fees can be paid at any time prior to the TAD period as required. If there is an annual leave period or normal workday off immediately preceding the TAD period, the orders must state this information so that the three working day requirement can be adjusted accordingly. An expense allowance will not be granted if the employee has failed, for reasons unacceptable to an approving official, to submit a claim voucher on a previous travel order under which an expense advance was paid, or has not made arrangements for settlement of an outstanding overadvance.
- d. <u>Closing-out an Advance</u>. An employee who has received an advance of funds is required to submit a travel claim voucher within three working days after the end of each trip or 30-day travel period so that settlement of the advance account can be made.
- 9. <u>Transportation Requests</u>. All passenger transportation services by common carrier must be procured through the use of U.S. Government Transportation Request (GTR). Generally, travelers will use cash to procure all passenger transportation services costing \$10 or less, excluding Federal transportation tax.
- 10. <u>Gifts</u>. Promotional items received by the employee as a result of a mixture of travel paid for by the Government and from personal funds, are the property of the Government. If the employee uses a bonus ticket for personal use, the employee must reimburse the value of the bonus ticket to the Government (63 Comp. Gen. 229, 1984 and 63 id 223, 1984). An employee may keep payments received from a carrier for voluntarily vacating a seat on an over-booked flight and taking a later flight. However, no additional per diem may be paid as a result of the delay in the employee's travel. If, in contrast, an employee is involuntarily denied boarding on an over-booked flight, compensation for the denied seat is due to the Government. Therefore, if the airline pays the employee directly for such denied boarding, the employee must relinquish that payment to the Government (59 Comp. Gen. 203, 1988).

- 11. <u>Travel Orders</u>. A travel order establishes the conditions, in writing, under which official travel and transportation is authorized at government expense or under permissive travel. Each authorized travel order will be assigned an identifying number which will be cited as reference in all related documents and records. This is done through the Standard Accounting and Budget Reporting System (SABRS) for Marine Corps Base and East Coast Commissary Complex (ECCC), in instances where government funds are obligated. For instances of Permissive Travel, the numbers will be assigned by the Civilian Personnel Division (CPD). Unused travel orders will be returned promptly to proper authority with an appropriate explanation. Definitions and responsibilities of officials, taken from reference (a), which are applicable to travel orders of civil service employees:
- a. <u>Travel-Aequesting Official</u>. An employee's supervisor or other person having full knowledge of the purpose and requirements of a travel mission. A travel requesting official is responsible for initiating a request for the issuance of a travel order, and will ensure that the travel order is provided to the traveler and that the traveler understands the instructions provided and the responsibilities involved.
- b. <u>Fund-Approving Official</u>. The Fund Administrator, as listed in reference (c), is responsible for administering travel funds for organizations included in their funding responsibilities, and for providing citation of the complete major accounting classification for an approved travel assignment or amendment thereof.
- c. <u>Travel-Approving Official</u>. Official that will insure effective control of travel necessity and justification for authorization. A travel-approving official directs official travel and is responsible for approval or disapproval of travel requests. For civil service personnel this is the Civilian Personnel Director.
- d. Order-Authorizing or Authenticating Official. The person designated to issue travel orders for the official who has the delegated order issuance authority. In accordance with paragraphs C3000 and C3001 of reference (a), the Civilian Personnel Director is designated to act for the Commanding General in authorizing and authenticating travel orders for civil service employees of Marine Corps Base and ECCC. The Civilian Personnel Director will ensure that information entered on the travel order complies with the requirements of reference (a), and that its issuance is in compliance with all applicable regulations.
- 12. Travel orders may be issued for the following types of travel:
- a. Permanent Duty Travel/Orders. The primary type of permanent duty travel is permanent change-of-station travel in the interest of the Government from one duty station to another without a break in continuity of employment with the Federal Government. When considering an employee from another activity for a vacancy, travel/moving entitlements, as authorized by reference (a), will be discussed during the interview. Approval from the Fund Administrator and Assistant Chief of Staff, Comptroller must be obtained before a commitment is made to pay any travel/relocating expenses. The Civilian Personnel Director is responsible for obtaining necessary data and completion of Request and Authorization for DoD Civilian Permanent Duty Travel (DD Form 1614). Authority to sign this form by direction is delegated to the Civilian Personnel Director.
- b. <u>Permissive Orders</u>. The rate of growth of scientific and technical knowledge over the past few decades has been extremely rapid, and it is recognized that it has become increasingly difficult to remain aware of the rapidly expanding body of knowledge in professional and other fields. References (a) and (b) address this fact and a liberal standard may be followed for authorizing attendance at meetings without charge to leave when the expense of attendance is borne by the employee. Although there are no Government monies provided in these instances, the employee is considered to be in a duty status,

and a travel order will be issued. A Request and Authorization for TDY Travel of DoD Personnel (DD Form 1610) will be completed by the requesting official and sent directly to the CPD for approval and authentication. Instructions for completing DD Form 1610 is provided as an enclosure to this Order. Overtime provisions do not apply under permissive orders.

- Temporary Duty Travel. Temporary duty assignments will be authorized or approved only when necessary in connection with official activities or Government business. Planning and scheduling trips will combine missions to accomplish multi-purpose results when possible. A request for a temporary duty assignment should meet the following conditions: Assignment is on essential official business, the purpose of the mission cannot be satisfactorily accomplished by less expensive means, duration of an assignment is no longer than justified by the requirement of the mission, and number of persons on an assignment are held to a minimum consistent with the purpose of the mission. Selection of employees for temporary duty assignments will be based upon official necessity and qualifications of the individual to best perform the service required without regard to sex, race, religion, or national origin. far as necessary in the full performance of their position duties, employees are responsible for responding to temporary duty assignments in the same manner as to duties at their permanent duty stations. Reference (b) addresses the Civilian Employee Training and Development Program, which results in most of the temporary duty assignments for civilian personnel. It also discusses attendance at professional meetings and conferences for which temporary duty travel, and per diem, may be authorized if they meet the criteria outlined in references (a) and (b).
- 13. <u>Temporary Duty Orders</u>. The following procedures will be followed in issuing temporary duty orders:
- a. The requesting organization will submit a request for the TDY travel, and a completed Request, Authorization, Agreement, Certification of Training and Reimbursement (DD Form 1556), if appropriate, which have been signed by the Fund Administrator or other official authorized to expend funds. These requests will be sent to CPD (Employee Development Branch). The organization will compute all travel and per diem expenses applicable to the travel requested, and will cite the reason for the travel. If the temporary duty is performed at a military installation and Government quarters are available, the per diem rate will be based upon their use. If unavailable, travelers are required to obtain a non-availability certification from the military installation at the temporary duty point. Failure to do so will result in reduced per diem rates. Whenever possible, travel will be scheduled so that employee may travel during regular hours of duty and not on their own time. However, no more than 1-3/4 days of per diem may be paid in connection with such travel (56 Comp. Gen. 847). When an employee delays return travel from a Friday to Monday (completing Temporary Duty on Friday) payment of per diem will be limited to that which would have been payable if the traveler had begun return travel following completion of assignment on Friday and continued to the destination without delay. If employee leaves on Friday for a Monday class, the same logic applies. The assignment conditions in a travel order establish the time of beginning and completion of a travel status. Normally, an employee on official travel will not be required to travel during unreasonable hours at night.
- b. The data provided the CPD will be reviewed for adherence to regulatory requirements and entered into SABRS which will produce the travel orders and assign the travel order number. The travel orders will be signed by the Civilian Personnel Director and returned to the organization. Except in instances of bonafide emergencies, data will be provided to the CPD at least two weeks prior to start of travel to insure the Division has sufficient time for required action to be taken without disruption of work sequence, and so employee has time to make all required travel arrangements.

- 14. <u>Employee Action upon Completion of Travel</u>. Upon return from travel, employee is responsible for submitting Travel Voucher (DD Form 1351-2) to the Disbursing Office within three days of travel completion.
- 15. <u>Legal Maximum Per Diem Rates</u>. The legal per diem allowance for travel in the continental United States shall be at daily rates for such per diem as established by proper authority; and under no circumstances may they be in excess of the maximum per diem established by such authority except for AEA authorizations discussed in paragraph 8b.
- 16. Overtime for Travel. It is important that the requesting organization consider the possibility of the traveler being subject to overtime and to determine if overtime funds are available. Line management officials are responsible for specifying, within reasonable limits, the time during which travel will be performed. Upon employee's return from a temporary duty assignment, it is the responsibility of the organization to determine if overtime is payable. Reference (d) provides information on both hours of work and overtime. Reference (e) contains the procedural steps and provides a list of positions authorized to approve overtime.
- 17. Criteria for Payment of Overtime for Travel for Training. Overtime payable for time spent in authorized travel away from official duty station is covered by two different statutes: The Fair Labor Standards Act (FLSA) and title 5, United State's Code. Whether time for travel connected with training is payable as overtime must be reviewed against both of these laws. Definition of the term "Official Duty Station" has the same meaning as under Federal Travel Regulations which defines it as the employee's designated post of duty. Both statutes address time spent traveling away from official duty station. Under both statues, all such travel during regular working hours is considered "hours of work." However, time spent traveling away from official duty station that occurs outside regular working hours is treated differently under the two statutes.
- a. <u>Title 5, U.S. Code</u>. Under title 5, which applies to <u>all</u> employees, for travel time outside regular working hours to be considered "hours of work," the travel must meet one of these four criteria: (1) Involve the performance of work while traveling; (2) Is incident to travel that involves the performance of work while traveling; (3) Is carried out under arduous conditions; or (4) Results from an event which could not be scheduled or controlled <u>administratively</u>. Section 550.112(e) of the Office of Personnel Management regulations also prescribes that employees covered by Title 5, whose travel resulted from an event which could not be scheduled or controlled administratively, are entitled to be paid overtime pay for time spent in actual travel.
- b. Fair Labor Standards Act (FLSA). The FLSA differentiates between Exempt and Non-exempt employees and only applies to the latter. The FLSA determination is applicable to position occupied and, thereby, to the person(s) occupying that position. FLSA status is determined by the Civilian Personnel Office and is clearly noted on the front of all position and job descriptions in block #7 of the Optional Form 8 Cover Sheet. Authorized travel under the FLSA is defined as travel which is performed under the direction or control of a responsible official of the activity, and for the benefit of the employing activity. In general, authorized travel time outside regular work hours is "hours of work" under FLSA if an employee: (1) Performs work while traveling (including travel as a driver of a vehicle); (2) Travels as a passenger to a temporary duty station and returns during the same day, or (3) Travels as a passenger on nonworkdays during hours which correspond to employee's regular working hours. Thus, whether time spent traveling outside regular working hours is considered "hours of work" under FLSA depends upon the kind of travel involved. Overtime entitlement under the FLSA does not begin to accrue until the employee has completed 40 hours of actual work, as defined by the Act, in a week or for employees on alternate work schedules, 80 hours within a two-week pay period. For example, an employee who has any paid time off during the week(s) (holiday,

annual or sick leave, or any excused absence with pay) will not accrue any entitlement to overtime pay under FLSA until additional actual work exceeds the paid hours of nonwork, and is in excess of 40 hours of actual work in the week, or for employees on alternate work schedules, 80 hours within a two-week pay period. Though normal duty hours may vary from organization to organization, the basic hours in a work week, based upon a two-week pay period, are still 40. The following guidance is provided as an easy reference for determining when an employee is considered to be in an overtime status, during travel for training, under the FLSA and is applicable only to NONEXEMPT employees. FPM Letter 551-10 stipulates that such nonexempt employees are subject to overtime pay for time spent in traveling, provided the criteria for "hours worked" has been met, under the below cited circumstances. Meal periods will be deducted. Time to deduct for meal periods is based upon statement of employee as to time involved or, if the traveler cannot be contacted and travel crosses over normal lunch period, 30 minutes will be deducted.

- (1) <u>AIR-Overnight Assignment</u>. NONEXEMPT employees are subject to overtime pay for time spent traveling as a passenger on an overnight assignment, for normal waiting time before flights, and normal waiting time between connection flights during normal work schedule on Saturday or Sunday provided the criteria for "hours worked" has been met.
- (2) <u>POV DRIVER-Overnight Assignment</u>. NONEXEMPT employees are subject to overtime pay for time spent traveling during normal work schedule on Saturday or Sunday provided the criteria for "hours worked" has been met. Work an employee is required to perform while traveling, such as driving an automobile, is hours worked.
- (3) <u>PASSENGER IN POV-Overnight Assignment</u>. NONEXEMPT employees are subject to overtime for time spent traveling as a passenger on an overnight assignment during normal work schedule on Saturday or Sunday provided the criteria for "hours worked" has been met. When a passenger riding in a vehicle shares the driving of the vehicle with the driver, <u>each</u> is performing work while traveling <u>only</u> for that portion of the trip during which each person is <u>actually driving the vehicle</u>.
- (4) <u>POV DRIVER-One-day Assignment Outside Limits of Official</u>
  <u>Duty Station</u>. NONEXEMPT employees are subject to overtime pay for time spent traveling as a driver on a one-day assignment outside regular working hours (including outside corresponding hours on a nonworkday) directly from person's home to temporary duty station provided the criteria for "hours worked" has been met.
- (5) <u>PASSENGER IN POV-One-Day Assignment Outside Limits of Official Duty Station</u>. NONEXEMPT employees are subject to overtime for time spent in authorized travel as a passenger (by common carrier or by automobile) during the one-day assignment provided the criteria for "hours worked" has been met. Normal home to work (work to home) travel and time spent waiting at a common carrier terminal in excess of normal waiting time which occurs outside regular working hours are deducted.

## 18. Responsibilities of the Employee

a. If a GTR is required, deliver the original and copies of approved orders to the Passenger Traffic Office, at least seven working days prior to date of departure, for issuance of the GTR and endorsement on the orders. When a transportation request or a transportation ticket in the possession of a traveler is lost or stolen, an immediate report must be made to the proper official and failure to comply with this requirement will normally result in notification to your supervisor. A traveler may be held liable for any expenditure by the Government caused through negligence on the traveler's part in safeguarding the ticket or transportation request.

- b. When a traveler knows that reservations for transportation and/or accommodations will not be used, the traveler must cancel the reservations within the time limits specified by the provider. All adjustments in connection with official passenger transportation must be promptly processed to prevent losses to the Government.
- c. If an advance of travel funds is required and authorized, the employee should deliver the original and copies of travel orders to the Travel Section of the Disbursing Office no sooner than 10 nor later than 3 working days prior to departure. Ensure the orders are routed through the Traffic Management Office prior to delivery to the Disbursing Office if traveling by commercial transportation.
- d. A Travel Voucher (DD Form 1351-2) must be filled out for submission to Disbursing. If AEA has been authorized for actual expense (see paragraph 8b) a Statement of Actual Expense Form (DD Form 1351-3) must be filled out. In all cases, receipts for lodging, registration fees, rental cars and rental car gas, and all other items in excess of \$25 must be submitted with the travel voucher to Disbursing.
- e. Employee should record departure and arrival time, limousine/taxi fees, tolls, mileage to/from temporary duty site, as applicable.
- f. Within three working days after travel is completed, employee must provide to the Disbursing Office, original and three copies of orders, DD Form 1351-2, receipts, and other required forms, as applicable. Failure to comply with this requirement may result in all travel advances being deducted from the employee's pay. Travelers who received an excess travel advance will be notified of the overpayment by letter from the Disbursing Officer. The Disbursing Officer should be notified of any extenuating circumstances that would prevent the traveler from taking action to repay the excess advance within the 15 calendar-day period.
- 19. <u>Falsified Travel Claims</u>. When there is reasonable cause to suspect that an employee has falsified one or more claimed expenses on a travel voucher (other than the cost of lodging, meals, or incidentals), the suspect expenses will not be allowed. When there is reasonable cause to suspect that an employee has falsified a claimed expense for lodging, meals, or incidentals, per diem or actual expense allowance (if applicable) will be denied for the entire day on which the suspect expense is claimed. In the event payment is made prior to discovery of what is suspected to be a falsified expense, the employee will be required to reimburse the Government (57 Comp. Gen. 664).
- 20. <u>Assistance</u>. Questions concerning travel of civil service employees should be referred to the CPD Employee Development Branch, telephone extension 1539.

21. <u>Concurrence</u>. This Order has been coordinated with and concurred in by the Director, East Coast Commissary Complex.

JAMES A. CATHCAR Charef of Staff

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